

Petition Filed on	20/02/2026
Petition registered on	20/02/2026
Petition decided on	10/03/2026
Duration	Y / M /Days 0 / 0 / 18

**IN THE COURT OF HON'BLE SESSIONS JUDGE, PATAN -
AT PATAN**

CRIMINAL REVISION APPLICATION No.15/2026
Ex.8

APPLICANT:

Memam Lamahammad Gafurbhai
Age: 35 Years, Occupation: Farming & Business
R/o.: Sanodarada, Rabarivas, Sanodarada, Kalyana, Ta-Dist:
Patan.

V/s.

OPPONENT:

The State of Gujarat

Sub: Revision Application U/s. 497 of the B.N.S.S.

APPEARANCE:

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Dr.M.D.Pandya - Ld. Advocate for Applicant.
Mr.R.P.Raval - Ld. A.P.P. for the State.

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:- JUDGMENT :-

1. The order passed by the learned Judicial Magistrate First Class, Saraswati (for short 'Trial Court') on 02/02/2026 in C.R. No.11217041250563/2025 punishable U/s. 109(1), 115(2), 118(1), 296(B), 324(6), 351(3), 191(2), 191(3) of the B.N.S. and U/s. 25(1-B)(A), 27(2) of the Arms Act and U/s. 135 of the G.P. Act, dismissing the application of the applicant seeking custody of Maruti Swift Dezire VXI BS

IV having registration No.GJ-18-BR-3428 (for short 'Car'), has been assailed before this court by way of this Criminal Revision Application.

2. **Brief facts of the present Revision Application are as under :**

(2.1) The said muddamal car had been sold by the present applicant to the accused Rajendrasinh Chhaguji Rajput four months back in consideration of rupees three lac via verbal agreement, but since the ownership of the vehicle was not changed in the RTO, the name of the present applicant is still on record as owner of the car. The said car was seized in the alleged offence from the accused Rajendrasinh Chhaguji Rajput by the police and it is lying in the police station and hence the present application is filed by the applicant seeking custody of his car after his application was rejected by the trial court.

3. It is submitted by the learned advocate for the applicant that, the order of the trial court is not in accordance with law and required to be set aside. It is submitted that the said order has been passed by the trial court without having proper interpretation of law. It is submitted that, the vehicle seized is used by the applicant for his livelihood and if the said vehicle will be lying in the police station for more time, spare parts of the vehicle will be damaged and therefore the applicant shall suffer huge financial loss. So the applicant has prayed that the order of the trial court may be set aside and his vehicle should be returned back to him.

4. The Investigating Officer produced his opinion vide Ex.5 and submitted not to hand over the custody of vehicle to the applicant

and hence the learned A.P.P. has also objected the present application and submitted that the present application should not be granted considering the facts and circumstances of the case.

5. On perusal of the application, other papers, and on hearing both the sides, following issues have emerged for deciding the present Revision application.

(1) Whether the impugned order passed by the learned trial court is illegal, perverse and against the settled principle of law?

(2) Whether the order passed by the learned trial court is liable to be interfered with?

(3) What order?

6. Answers to above issues are as follows:

1. In affirmative

2. In affirmative

3. As per final order

7. I have heard the learned advocates for the respective parties.

// FINDINGS //

// Issue Nos.1 & 2 //

8. Considering the facts of the present case, it transpires that said car of the applicant was seized as muddamal by the police in connection with the offence from the accused Rajendrasinh Chhaguji Rajput which the applicant had sold him through verbal agreement, but since the ownership of the vehicle was not changed in the RTO and name of the present applicant is on record as owner of the vehicle, the present applicant filed application before the trial

court to release his muddamal vehicle, but the said application was rejected and therefore the applicant is before this court seeking custody of his car.

9. The applicant has produced on record the copy of Insurance Policy of the vehicle which shows that the car is registered in the name of the present applicant. The applicant has also produced on record the original 'No Objection Certificate' issued by the Manappuram Finance Ltd that the applicant has availed a loan facility from them and he is regularly remitting the monthly EMIs towards the said loan account. The loan statement is also on record. I have considered the overall facts of the case. Moreover, investigation is over and charge-sheet is filed and hence if the muddamal car is returned to the applicant, it would be in the interest of justice. So I answer issue nos.1 & 2 in affirmative and pass the following order in the interest of justice in view of issue no.3.

-: **ORDER** :-

1. The present application is hereby **Allowed**.
2. Saraswati police is hereby directed to hand over the custody of the muddamal Car bearing registration No.GJ-18-BR-3428, as interim custody to the present applicant - Meman Lamahammad Gafurbhai, which was seized as muddamal by the police in connection with C.R. No.11217041250563/2025 on furnishing bail bond of one & half amount of the total value of muddamal before the concerned police station with following conditions.

CONDITIONS:

- (1) The applicant shall file an affidavit before the concerned court that he will keep the said vehicle in it's original condition and will not

make any change in it till final order of the court.

- (2) The applicant shall have to produce the muddamal vehicle before the concerned court as and when it is required.
 - (3) The applicant shall not transfer, mortgage or sell the muddamal vehicle to anybody till disposal of the case.
 - (4) The applicant shall not use the muddamal vehicle in any type of offence again.
 - (5) The applicant shall take color photographs of the muddamal vehicle of all sides at his own cost and submit the same to the I.O.
3. Yadi of this order be sent to the concerned Court and Police Station.
 4. No order as to cost.

Pronounced & signed in the open court today.

Date : 10/03/2026

Place: Patan

(Prashantkumar H. Sheth)

Sessions Judge, Patan

U.I.Code No.GJ00524

(CRD)